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Legislative  
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de l'Ontario

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## Official Report of Debates (Hansard)

SP-24

## Journal des débats (Hansard)

SP-24

### Standing Committee on Social Policy

Committee business

### Comité permanent de la politique sociale

Travaux du comité

2<sup>nd</sup> Session  
41<sup>st</sup> Parliament

Tuesday 3 October 2017

2<sup>e</sup> session  
41<sup>e</sup> législature

Mardi 3 octobre 2017

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Chair: Peter Tabuns  
Clerk: Jocelyn McCauley

Président : Peter Tabuns  
Greffière : Jocelyn McCauley



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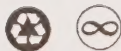
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## CONTENTS

Tuesday 3 October 2017

Committee business.....	SP-485
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## LEGISLATIVE ASSEMBLY OF ONTARIO

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON  
SOCIAL POLICYCOMITÉ PERMANENT DE  
LA POLITIQUE SOCIALE

Tuesday 3 October 2017

Mardi 3 octobre 2017

*The committee met at 1601 in committee room 1.*

## COMMITTEE BUSINESS

**The Chair (Mr. Peter Tabuns):** Good afternoon, everyone. The Standing Committee on Social Policy will now come to order. We're meeting this afternoon to consider the method of proceeding on Bill 139, An Act to enact the Local Planning Appeal Tribunal Act, 2017 and the Local Planning Appeal Support Centre Act, 2017 and to amend the Planning Act, the Conservation Authorities Act and various other Acts.

Please note that a written submission has been distributed to you, as well as a parliamentary calendar. Are there any questions before we begin? There being none, are there any motions? Mr. Dhillon.

**Mr. Vic Dhillon:** Good afternoon. I move, with respect to the method of proceeding on Bill 139, Building Better Communities and Conserving Watersheds Act, 2017:

(1) That the committee meet in Toronto on Monday, October 16, 2017, and Tuesday, October 17, 2017, during its regular meeting times, for the purpose of holding public hearings.

(2) That the Clerk of the Committee, in consultation with the Chair, post information regarding public hearings on the Legislative Assembly website, the Ontario parliamentary channel and Canada NewsWire.

(3) That the Clerk of the Committee identify various media outlets or other vehicles of communication that would inform indigenous communities of the hearings and give notice of public hearings to such media outlets.

(4) That interested parties who wish to be considered to make an oral presentation contact the Clerk of the Committee by 12 noon on Wednesday, October 11, 2017.

(5) That presenters be able to appear before the committee in person, via teleconference or by video conference.

(6) That, if all requests to appear can be scheduled, the committee Clerk proceed in scheduling all witnesses on a first-come, first-served basis.

(7) That if not all requests can be scheduled, the committee Clerk provide the subcommittee members and/or their designates with the list of requests to appear; and that the subcommittee members prioritize and return the list to the committee Clerk by 3 p.m. on Wednesday, October 11, 2017.

(8) That witnesses be offered five minutes for their presentation followed by 15 minutes for questions by committee members, divided equally among the three parties.

(9) That the deadline for written submissions be 6 p.m. on Tuesday, October 17, 2017.

(10) That proposed amendments to the bill be filed with the Clerk of the Committee by 12 noon on Thursday, October 19, 2017.

(11) That the committee meet in Toronto for clause-by-clause consideration of the bill on Monday, October 23, 2017, and Tuesday, October 24, 2017, during its regular meeting times.

(12) That the Clerk of the Committee, in consultation with the Chair, be authorized to make any arrangements necessary to facilitate the committee's proceedings.

**The Chair (Mr. Peter Tabuns):** Any discussion? Mr. Hardeman.

**Mr. Ernie Hardeman:** I just want to open with suggesting that this seems like—what do they call it?—Groundhog Day all over again, since the last time we were at this committee with a bill from the Ministry of Municipal Affairs and Housing, where for some unknown reason, the government just objects to having subcommittee meetings to line up the work of the committee. We sat here a whole afternoon, debating why that would be that we couldn't have a subcommittee get together and set this in place—in fact, that could be this afternoon—and we were having this discussion about what we should be doing and what we shouldn't be doing.

I think I had the idea fairly much before, and now it has become very clear that the government doesn't want all the committee to have input into the makeup of how we're going to deal with this bill. They have come to the decision that it's more important to get it done their way than to hear from everyone. I know that we're going to say, "Well, everyone is being heard here." They are.

The one difference that everybody would know—but nobody wants to admit that they're using it—is that in a subcommittee, it is made up of one member of each party, with you, Mr. Chair, as Chair of it, to decide what we should be doing. That's not based on popularity; that's based on what we, as legislators, believe is the right way to deal with this legislation. It has nothing to do with the merit of the legislation. It has to do with how we're going to approach the committee work between



second and third reading and its amendments, how we arrived at those amendments, how we go about gathering that information and how we go about dealing with it in committee.

That has one member from each party, so it does not give the government the majority in that decision. The government will have the majority in everything we do. If it changes one sentence in this, the government has the power in their committee to avoid that change or to force that change. I've been here long enough to know—I don't know how many amendments, but I expect likely in the last year or two there have been somewhere between 75 and 100 amendments I've put forward. The government has seen fit not to pass any of those.

I'm not arguing that that's their prerogative. I think that, as time goes on, they may say to themselves—they would never say it publicly; they're not known for admitting a mistake—but they might say, "This problem wouldn't have arisen if we had just listened to that opposition amendment that would have prevented this from happening." I would just point out that, in that vein, this is the fourth time—as I was going through the documents—since this government has been in office that we're dealing with a bill to reform and now finally eliminate the OMB. It's quite common that when they finish with a job, they are not achieving a lasting goal with the challenge that they were facing.

Anyway, they decided that instead of taking it to the subcommittee with equal representation on it, if we do it here, we will—as we just did—introduce a motion to say, "This is how we're going to deal with the bill." If we call that vote, I know, my good friend Lorne knows and even Mr. Hatfield knows that our votes aren't going to matter because it's going to pass with government vote.

Whether we believe that there is a better way of dealing with it, whether we believe that we should hear from different people, whether we believe that we have questions that, if they were answered, we may even be able to convince the members on the government side that what they're proposing doesn't work—we're not going to get the chance to do that. We are going to follow that route of what this motion says and then we're going to give everybody five minutes to come in here in two separate meetings, so that'll be three and a quarter hours for people to make presentations for five minutes at a time.

The government will have already prepared all the amendments that they're going to allow. The next meeting, we come back, we're going to pass all those amendments. Our time here, except for this afternoon, is going to be totally useless or less than helpful, because I can assure you that past practice has shown they're not going to accept very many, if any, of our amendments.

You say, "Well, I'm sorry, Mr. Hardeman, but even this afternoon is going to be a waste." I don't think it is. This afternoon, I'm going to spend my time to try and convince the government that this is not the proper way to run the place. To take the power of a majority to bend the traditions in this place to the extent that they favour

the government side from the get-go, I think is wrong. I'm going to do everything I can, and if I have to use all the committee's time this afternoon, I will try and do that. If I talk about the whole picture that we have here, I think maybe the Chairman would have difficulty calling it repetitive. So I think that's how we would spend the afternoon.

**1610**

I do want to start by saying that, Chair, I gave you a letter that I had received—it was addressed to the Chair of the Committee—that suggests that one of our members in the Legislature wants to have hearings in Ottawa. We have other people that have told us the like, and we'll get to that later, but I just want everybody to recognize that this is not something that just came out of nowhere. I think we have real concern that, in fact, we are usurping the—I'm trying to think of the right word. There's a special word that has to do with tradition. Maybe the Clerk can help me with it. The standing orders also have another—if it isn't according to the standing orders, it's according to common practice.

**Mr. Percy Hatfield:** Precedence?

**Mr. Ernie Hardeman:** "Precedent." That's the right word. Thank you, Mr. Hatfield—precedent. The precedent of taking bills this way without giving the opportunity to all parties in the House to have some input in how we're going to deal with the committee is not a good precedent to just let fly by the wayside. We did the other one, and here we are again.

Incidentally, the last time, it was because of timing. It seemed that the government realized that I had made a point, but they still wanted to get it done. They were willing to override it and say, "Well, we really don't care; you made the point," except that they couldn't get it done that week. So we then had an agreement to do the subcommittee that same afternoon so that we could still get it in the same week. We got to subcommittee and back to the committee, and we got it done in the same time that the government asked for.

At that moment, I thought that they maybe had realized the error of their ways, of doing things that way, but they're doing exactly the same thing this time. But I dare say, they haven't got the same advantage of the extra day, because the last time, this debate took place on Monday morning—and this one is in the afternoon—so we still had time to have the subcommittee meeting at noon and finish it that afternoon. The Chair will remember we did that.

That doesn't change the fact that I am as adamant today as I was then that we think it's only appropriate that all members of the House—and that's what this letter is, just to show that another member of the House, other than the members on this committee—that everyone has a right to have input in how the place runs. Not on the policy—I'm not arguing about whether this is good legislation or bad legislation. I think this is a bad practice to start off by saying, "If we can't get unanimous agreement at a subcommittee, then why don't we just override the subcommittee process altogether?" No.



At the end, a subcommittee doesn't have the power, other than to bring forward suggestions that might, in the opinion of the committee, work better. It still has to come back to the whole committee. All they're doing is taking a step out. They're not giving themselves more power, but they're taking away the only opportunity that my good friend Mr. Cho—Coe and Cho; I have a little trouble with that—that Mr. Coe and Mr. Hatfield and myself have to give any input on how we're going to deal with this legislation.

Mr. Chair, you will know, and you've sat on enough committees to know, that sometimes, when you're setting up these dates and you have some of the members of the committee say, "That week or that day doesn't work for me," well, then you can put in a sub, or we can just say, "Okay, well, let's put it on a different day. It doesn't make any difference." Then all the people who have the involvement will be there to deal with it.

None of that is being provided to us now. What we have now is, "No, no, no. We don't need subcommittees anymore. We'll just let the minister or the House leader's office or whoever it is write the motion of exactly what we're going to do, and here it is." For October 16, that will be an hour and a quarter; on October 17, that would be two hours. That would be two weeks from today, I guess it is, because the House is not going to be sitting next week. So, on Monday and Tuesday of the first week back, we're going to, for five minutes, hear some delegations.

I can tell you, I've met with a great number of people. A bill like this, it even deals with two different ministries and two different bills. It takes more than five minutes to even decide the items you're going to talk about, as opposed to helping, if it's not right, in how we can fix it.

I think the government is making some assumptions here that this committee is set up to hear the public and then pass what we want. This committee is to hear from the public and see if their presentation will make the bill better. If it does, we should have an amendment come forward to make it better. It's not good enough to say, "Yes, we will listen to you," but five minutes after, or half an hour—"the deadline for written submissions be 6 p.m. on Tuesday...."

"That proposed amendments to the bill be filed with the Clerk of the Committee by 12 noon on Thursday...." So, in two days, they can file the last of the amendments on letters that may have arrived on Tuesday.

I don't know if anyone has checked; I know we have been in constant contact, not only on this bill but on many others, with Legislative Assembly. We're going to have trouble getting any amendments based on the comments coming in on Tuesday night—to have those amendments in by noon on Thursday, because Legislative Assembly can't prepare them in that time. It's not that I'm so sure that we're going to need amendments for the letters that come in on Tuesday. What I'm saying is we're totally negating the need for those people to write in.

Why do we even tell them there's a deadline? People get that letter and they have some kind of inclination that

we're going to accept everybody's letter that came in, we're going to read it and we're going to deal with it.

If we're not going to read them and we're not going to care what they say, why do we have a deadline? Why don't we just say, "Keep your cards and letters coming. We know you're still well. It doesn't matter because we're not looking at what you're telling us, anyway."

It's the same thing we have with the people who come in. They get five minutes, and they introduce the three people that are with them, and they each have opening remarks, and we say, "Thank you very much. You made a great presentation. I'm glad you have no problems with this bill, because I didn't hear any." Well, that's because they ran out of time.

Mr. Chair, it's not you who cuts them off. It's the orders of the committee that say, "This is all the time you have—enough said."

Putting all of that together, by someone who was not at the committee—I stand to be corrected, but I don't think Mr. Dhillon prepared that motion. At least, he didn't set the timelines. He may have written the motion, but he didn't set the timelines and so forth. It was somebody other than that, as the government has said, "This is what we're going to do." They've already decided that they want the bill the way it is.

If they are going to make changes, I'm going to now assume that they've already got them made. I'm sure they won't want to make them during the break week, so I expect they've likely sent them already to the legislative counsel and said, "We've read the bill over a number of times, and we find that the name of the bill really isn't what we wanted," because it is very confusing. The municipal planning tribunal—it's confusing when the municipal body is actually the one that is the municipality one. The other one is the provincial one. From one meeting to the next, they can't remember which is which. But the truth is, if they decided to look at that and change that, I'm sure that they've already thought of that and they have an amendment ready.

What I'm concerned about are the amendments that would be coming forth from people who come in and have an opportunity to speak. I know many, many people have come in. Organizations have been in my office to talk about what they would like in it, and I can assure you that we will be putting forward amendments to the extent that we can. Where we believe they're making a good point, we will put those amendments forward and hopefully the government will consider those as we're going forward—that it does make the bill better—because everything we do in this bill, it has a positive side, but I'm not sure anyone has looked at what the impact will be on the negative side.

1620

What the city of Toronto needs and has a right to expect from this bill is not the same as what maybe the city of Thunder Bay needs because their structure and their governance—though they're both municipal governments, they're quite different in Toronto.

Now if you don't believe that, the city of Toronto—and you would know this. I think, Mr. Chair, you had a



motion forward to abolish the OMB once before, wasn't it? That's what I thought. But what's different is that the city of Toronto has a body to hear appeals to some of the city business already, locally. Now, when this bill came out, most people in the city of Toronto believed that what this bill was going to do was the same thing for everyone else: eliminate the municipal board and make it the appeals body that is in Toronto, which was what the private member's motion in the House had been pushing for for some time. That's not what this bill does.

I've heard stories that yes, this bill is—we did a lot of talking. We did a lot of consulting on this bill, and the people say they're very concerned about the OMB, as the city of Toronto is, but I don't think most of the people they were talking to were thinking that you could just eliminate the OMB and make a new body that's like the OMB and give them authority over a third body and still have the whole process in place of what they have to follow.

Getting rid of the OMB, that may very well—and I'm not arguing that we shouldn't. I know I've seen a lot of problems with the OMB, as you have. I have no problem with what the bill does, but if we don't believe that the people we're doing it for and to—if they didn't know that this was a likely option, wouldn't it make sense that we just hold it for a minute, let's hear from them? I'd like to hear from the people in Toronto what they believe this does. Is this going to make things better than it was with the OMB, or is this just going to be the same old same old? They already have both bodies that are there now that this bill is proposing—they already have those. They have the body that they make the decision on. The tribunal is going to be a replacement for the OMB.

Now the question can be whether in fact I'm right or wrong, but I think the people have a right to be heard on that, not rushed through and—

**The Chair (Mr. Peter Tabuns):** Mr. Hardeman, you've used up 20 minutes. I have Mr. Hatfield speaking next.

Mr. Hatfield.

**Mr. Percy Hatfield:** Thank you, Chair. I was on House duty and I told my friends that I would be back in a moment. I thought it was a subcommittee meeting. We had a notice of a subcommittee meeting, and we couldn't get together last week, so it was put over to this week.

I know in my short four years as an MPP, one of the things I've learned is to listen to those who have been here the longest, such as the member from Oxford. If you listen to the member from Oxford, you certainly learn from his experience of how the committee structure works and of the many years he served on committee and chaired committees and so on.

My experience has been, so far, Chair, and I mean no disrespect to you when I say this of course, that the committee process is somewhat scattered. I've been on just a few committees and we've had a few subcommittee meetings. You meet, normally, in the lounge off of the main chamber at a break, perhaps at lunch, and you make decisions and you go back and forth. They're written up

and they come back to the full committee, and then the full committee either adopts them or—as is the committee's right—they can ignore them and do what the committee wants to do.

In other committees that I've been on—and I've asked for the opportunity to have input into the decision of, should this committee travel the bill? There are parts of the province other than Toronto, where citizens have opinions different than the opinions shared by the good citizens of the Toronto-Hamilton area.

The committee over the summer—call it the minimum wage bill; whatever that number is—travelled the province extensively, and they heard good input from the citizens. I attended one of the hearings when it was down in Windsor.

The bill that's looking at adding a couple of ridings up north—that committee is going up north soon to listen to the views of the people up north.

So when I heard that this bill was coming up, I immediately thought—after the one over the summer, the one going up north—perhaps we're getting back to the old tradition around this place of travelling the bill to have wider input, to glean from those of us who don't live in Toronto on a regular basis. I was hoping that there would be an opportunity at the subcommittee level to ask for that and to make suggestions. One of the members has written us and suggested Ottawa. Ottawa would be a fine location, as would one or two places in the north and one or two places in the great southwest. How can you argue about going to the Kitchener-Waterloo area?

In my opinion, that's what led to the demise of the Ontario Municipal Board—when the OMB stepped in with their *de novo* hearing and completely tossed out a 10-year planning process, where the regional municipality of Waterloo spent 10 years consulting with the public, going back and forth on the wording of an official plan, deciding to intensify, as opposed to diversify, and they still had land set aside for future development, outside, in the fringe. The development community went to the OMB, and they had friends in the OMB, and the OMB decided, “To heck with the 10-year planning process. We're going to start all over. We're going to give the developers what they want.” They came up with a compromise heavily in favour of the development community, despite the 10-year process that led up to the official plan for that region. Municipal politicians right across this great province were completely outraged at this decision, and I believe that's what led to this bill.

I've read the previous comments, be they in Hansard or be they in the media, from the Premier, when she was the municipal affairs minister, saying that they had no plans to do away with the OMB but they were open to suggestions. I've read other comments by Liberal MPPs who felt the same way. But I've also read the comments of city councillors in Toronto. They've been after the OMB for years because they don't do well at the OMB on many big projects. Sometimes the developers have the deep pockets, they hire the best lawyers and they find ways to circumvent the municipal input and go directly to



the OMB. I read a lot of those stories when I was researching for the bill, and I remember some of the comments from some of the Toronto city councillors. They were absolutely outraged about what the OMB was getting away with.

So when this happened in the regional municipality of Waterloo—I can understand now why we're at this stage. Of course, I'm not really sure what the stage is—because we're talking one of more than 70 bills at the second stage and how many are going to be passed before the election call is another matter.

1630

I'm not sure what the government agenda is on this decision today. I mean, it seems like it's a slam dunk. You come in and there's a sheet of paper with no input. There's been no courtesy shown at all to the opposition members in this committee. Normally, opposition members are invited to have input. That's part of the tradition. That's the subcommittee process. That's where I, as the lone member of the New Democratic Party in this committee, get to have input to the committee before we come in with this. I know that the members of the official opposition would like to have had the same kind of input into this decision, because we have our own conversations. We like to share our comments. We know what to expect sometimes—but then again, you get blindsided by something like this.

In the past, we've run into a bill where it comes in like this, and then the House leaders get their heavy feet involved, and they come up with terms that—they say we're going to spend so many hours at committee and then we're going to accept so many amendments, and after so many hours of amendments, all debate is cut off. We're just going to steamroll it right to a vote on every amendment that comes up.

I've also been on clause-by-clause with Mr. Rinaldi and others when opposition members would make an amendment and we would be told by the government majority, "No, we're not going to accept that." Then the next amendment would be almost identical word for word, but it comes from their side. So there's this big thing: "Oh, we're the big government. We're going to do it our way. We're not going to have anybody from the opposition tell us what to do," even though it's almost word for word. Sometimes, I think it was word for word. But they just couldn't stand it if an opposition member could say, "I got one amendment passed."

Some of these bills that come in front of us are so poorly thought out—the last bill I did clause-by-clause on I think Mr. Hardeman had 30 amendments, I think I had 41 and the Liberal majority had 43 or 48 on their own bill, because it was so badly structured when it came in front of us that they had to go back and fix up what they could on the way, even though none of the ones that we made got in there.

Once, I think, at clause-by-clause, I had one amendment accepted. That was quite funny actually. After having so many either ruled out of order or rejected, I said, "I won't even bother with this one," and I was told,

"No, no, put that one in. We're going along with that one." You see, there's this conspiracy theory over there that, "Oh, maybe we'll get them to have one amendment on this bill just so they won't go crying in their beer." It doesn't stop me from crying in my beer, just to put that on the record, Chair.

Anyway, I don't know for sure what the government's political agenda is on this bill. I know I've talked to a lot of people about it, a lot of people with various associations. In fact, I met yesterday with the Ontario Association of Architects. They said, for example, the site plan approval process is so badly structured in Ontario that it's costing the industry and development—that's construction, that's architects, that's municipalities—tens of millions of dollars a year on basic, common sense kind of stuff. But you get involved in that site plan approval—you might come in this week to get something done in landscaping, and then until that gets put in there, you don't have any say on the fencing. Then you've got to come back a couple of months later and do something on the street lighting. It's all screwed up.

They were looking for a cleaner process. They have a lot of ideas. They've got a report that they've given me just on the site plan approval process. That is something that, if they would have input, if it would have been accepted by the majority, it could have been a better bill. I don't know how they're going to squeeze this big report into five minutes when they come to a committee if we only give people five minutes to speak—and that's just one organization, let alone the home builders, who have also asked us to travel the bill. That is just one, the Ontario Association of Architects, one organization that wanted to have input into this bill. We can bring people into Toronto all the time. That seems to be the way on some of this. But there are others out there, other people who can tell you how they lost their life savings fighting at the OMB.

I remember reading at some point—there was a farmer and there was a developer. The farmer just wanted some basic buffer strip to prevent the people who were going to be living in the homes from butting up against his farming operation. To me, it made sense. I wouldn't necessarily want to live next to the type of farm that that person may have had. But the developer didn't care. He wanted to squeeze as much as he could out of the piece of land that he had. I think he spent \$1 million or something defending this buffer strip, which of course meant that the guy who was appealing it spent half a million. Then the developer was after the farmer for forcing the appeal hearing. It's incredible what some developers will go after in this province in these SLAPP lawsuits, to try to knock down the people who are courageous enough to stand up against bad planning.

Yet that's what the OMB was known for. The OMB was known for being a law unto itself—and that's the problem, I guess. When you don't listen to people around the province, when you don't care what other citizens say and you give an authority, such as the non-elected representatives on the Ontario Municipal Board, the authority



to throw out the decisions that were made by elected representatives and completely disregard all that citizen input into something that could take five years—like the London official plan that just came out, Chair. I don't know if you're aware, but the city of London just went through a five-year process on a new official plan. It was approved by the minister a year ago. That was four years to get to the minister approval. That's after all of the public hearings, all of the back and forth on, "We'll change this, we'll change that." A year ago, the minister signed off on it. Then, of course, I think there were 42 appeals—which isn't bad; 42 appeals from a five-year process.

But then the situation now—we're somewhat in limbo, Chair, because the appeals were launched under the old rules of the Ontario Municipal Board and what could be appealed under an official plan. That's not the case now, because the new rules come in with the planning tribunals, and they put out a different set of rules for what can be appealed. You can't appeal what you could before. It's more streamlined.

The city of London, the mayor, has written and said, "Do whatever you can to get the minister's approval to go under the new rules as opposed to the old ones, because we want to get our plan approved. We want the streamlined process with fewer appeals so we can finally do what our people, our public, our taxpayers have been telling us they want." And it's been under way, as I say, for five years—let alone the 10-year process that took place in the Waterloo region. This was five years in London. It's a magnificent plan, Chair, but it is under appeal. Again, the mayor has serious concerns about that.

I don't know at what stage the government members might be open to a consideration of a traveling committee. I don't know. I have heard no indication after getting this paper. There is no sense that there is any dialogue to follow. It will come to a vote, they'll do what they're told and that will be it. But I think they should have more caution, take more care to what the rest of the province feels about these types of bills.

The Ontario Municipal Board has touched every corner of this province—and it's the same with the conservation authorities. I can't say conservation authorities have touched every corner of this province, because my good friend from Renfrew–Nipissing–Pembroke told the Legislature last week he doesn't have any conservation authorities in his riding—which I admire, I guess, but I am also surprised. I have one in my area and I think it's great. I've told you before, I spent seven years on that board. I've chaired it; I was vice-chair twice. I have the highest regard for the men and women who work for the Essex Region Conservation Authority. I've talked to them about this bill.

1640

I've talked to them about some of the concerns with this bill, and I'll just give you one, Chair. I know if we took it on the road, we would hear more. It's one thing to have your elected representatives on the board to make decisions, where if they need higher levies to pay for all

the work that's going to be done by the conservation authority, they talk to the people who are elected to make decisions and who have to answer to ratepayers—the taxpayers. But the new wording says, "We don't care about that. We want some people on there who know how to make decisions when it comes to the environment or biodiversity or planning." They want experts named to the conservation authority boards, as opposed to just the elected politicians.

Well, that's fine and good, but if seven or eight municipalities are sharing a conservation authority, they're like a public health unit. The board at the health unit and the board at the conservation authority make a decision, and that's their budget. Then they hand it back to the municipalities and they say, "This is your input. This is how much money you will have to pay this year." And the respective municipalities have no say. They have to pass that budget because that's the way conservation authorities and public health boards are set up.

If you're going to take away the power of an elected representative to make a decision that's going to have an impact on the taxpayer, but you're not an elected representative, how many municipalities are going to sit there and take that? That someone with a degree in biodiversity or urban planning is telling the mayor of this municipality, "You're going to raise your taxes this year because I'm an expert in this regard and I've made a decision at the conservation authority, and by God, you're going to respect it." How long before that is going to lead to conflict? How long is it going to take before people are pounding the table and saying, "This isn't going to work for us"?

Those are the types of opinions, the types of things we want to hear, because the more you hear from across the province, the more you come to terms with, maybe this bill needs improvement. We can't expect everybody to come to Toronto all the time and give us those types of comments.

It's one thing to say you can do it by Skype, or you can just do it over the phone—well, I don't hear them saying, "I'm going to stay at home today. In the Legislature, I'll just Skype in or I'll just phone in." We come to represent our constituents; it is the same with us.

We want to hear from our constituents all across this great province. We don't just want everybody to come to Toronto all the time. We want this bill to have input from everybody, from every corner of the province—or as close as we can get. I'm not saying go to Red Lake as opposed to Thunder Bay, but we have to touch on all corners of this province when it comes to having input into this.

That's why I, for one, am disappointed that we didn't have a chance, the official opposition or myself, to have input into this piece of paper that was handed to us when we got here this afternoon. I don't get the sense from the members opposite that they're even listening. They're not listening now, they weren't listening then and they probably won't be listening when we get to clause-by-clause and amendments.



**Mr. Lou Rinaldi:** I'm listening.

**Mr. Percy Hatfield:** There is a minority listening over there, I hear, Chair. I don't know how my time is.

**The Chair (Mr. Peter Tabuns):** You're out of time, Mr. Hatfield.

Are there other speakers? Mr. Dhillon.

**Mr. Vic Dhillon:** I just want to put on the record that we've been trying to have a subcommittee meeting as of last Wednesday at 1 p.m. and would like to give at least two weeks for people to respond.

I have been communicating with committee members, as well as with the leaders' offices, with respect to getting a response from the official opposition. We have tried our level best to set a time and place for a subcommittee meeting, and we were unsuccessful.

With that, Chair, I'd like to ask that we proceed to the vote.

**The Chair (Mr. Peter Tabuns):** I appreciate your request, Mr. Dhillon. I believe that the other parties still have the opportunity to speak, but I will caution them that they should avoid repetition and I would expect that they would speak to the motion at hand. I allowed them to range fairly freely, but I do think they have to focus on the motion to be credible.

Thank you, Mr. Dhillon—unless you wanted to continue speaking? Okay. Thank you.

Is there anyone else who wants to speak? Mr. Hardeman.

**Mr. Ernie Hardeman:** Thank you very much, Mr. Chair. Yes, Mr. Chair, I do want to. I have more to say on this. I'm hoping that I can get through it all, so I can assure you I will not be repetitious.

**The Chair (Mr. Peter Tabuns):** Thank you.

**Mr. Ernie Hardeman:** I just wanted to clarify: Earlier, in my previous presentation, I was speaking about the planning authorities that are now in. The local appeals body is the one that the city of Toronto presently has. The Local Planning Appeal Tribunal replaces the OMB, but when you read the bill—and that's what I was saying—it's not really that much different than the OMB. In fact, the minister, in the document, in the explanatory notes, suggests that it's the biggest change. There are two things that change. One is the type of appeals that they hear, and the second is the name. Its operation will be similar to the Ontario Municipal Board, only with a narrower scope of what they can make decisions on, according to my understanding of the bill.

But I'm not here now to talk about the operation or what's in the bill, I'm here to talk about the process of where we're at.

At the start here, I want to put forward an amendment to the motion—

*Interjection.*

**The Chair (Mr. Peter Tabuns):** Excuse me, Mr. Hardeman.

You have a point of order, Mr. Hatfield?

**Mr. Percy Hatfield:** I think it's timely. I don't want to interrupt Mr. Hardeman or his train of thought. Just to

get back to Mr. Dhillon—for example, when he said they tried to get a subcommittee going—

**The Chair (Mr. Peter Tabuns):** I'm afraid that's not a point of order.

**Mr. Percy Hatfield:** Well, it is if you recognize that one of the members couldn't make it because she had a death in the family and was sitting shiva at the time—

**The Chair (Mr. Peter Tabuns):** I understand what you're saying, and I would be happy to put you on the speakers' list.

He made a statement. You're providing context, but you're not saying that there is a violation of parliamentary procedure before us.

**Mr. Percy Hatfield:** I won't argue with you, then, Chair. I wasn't suggesting that. I was just trying to let him know, in case he wasn't aware of it, why we couldn't meet that day. I had something to do, and we had another committee member who couldn't make it.

**The Chair (Mr. Peter Tabuns):** I'll put you on the speakers' list, and you may want to clarify at that point.

**Mr. Percy Hatfield:** Thank you.

**The Chair (Mr. Peter Tabuns):** I thank you. That's not a point of order.

Mr. Hardeman.

**Mr. Ernie Hardeman:** I hope we cleared up a little bit my misinterpretation or mis-explanation on the different appeals bodies. The local appeal body is the municipal one, which is the city of Toronto's present body. The new one will be the downsized Ontario Municipal Board, called the Local Planning Appeal Tribunal.

With that, to make sure I'm on the right topic, I wish to move an amendment to the motion.

**The Chair (Mr. Peter Tabuns):** Do you have a text for us?

**Mr. Ernie Hardeman:** I have a text here.

I move that the committee travel to Ottawa, Windsor and the north for public hearings during the week of October 10.

**The Chair (Mr. Peter Tabuns):** Okay. I'm going to suggest we recess for five minutes while we copy that and circulate it. That's agreeable? Thank you.

*The committee recessed from 1648 to 1653.*

**The Chair (Mr. Peter Tabuns):** Committee resumes. We have a motion before us moved by Mr. Hardeman. Would anyone like to speak to this motion? Mr. Hardeman.

**Mr. Ernie Hardeman:** This is a motion, first of all, to travel to the north. As a member of the loyal opposition, I can tell you that I think that we don't spend near enough time hearing from the people who are impacted, if they're not in an area where there is a dense population. It seems that the government is quite content, if they hold hearings at all—this one here is going to be three and a quarter hours—to hold them all in Toronto.

We've already been contacted by the city of Thunder Bay; they would like to speak to this bill. This was before they knew that this resolution was coming forward and that it would be cut short. They thought that there would be opportunities for people to have input. They want to

speak to this bill. They have concerns about what this bill will do to their conservation authorities and how that will work in northern Ontario when they provide the board for the conservation authority—as Mr. Hatfield pointed out—how is that going to affect the city when the government decides that those aren't quite the people that the Minister of Natural Resources believes should be on a conservation authority and their local people are no longer on it? That would have a great impact on how the relationship between the conservation authority and the city would be. Remember, the city pays the bills for the conservation authority. All of a sudden, the bill suggests that the appointees would not be responsible to the organizations they work for; they would be responsible to the minister at Queen's Park. They want to speak about that, and that's why we suggested that we should go to northern Ontario—because if Thunder Bay has that problem, I'm sure others do too.

We have a letter from Michael Collins-Williams, director of policy for the Ontario Home Builders' Association. "OHBA strongly recommends that the Standing Committee on Social Policy travel outside of Toronto to directly hear the views of Ontarians beyond the GTA. As members of the standing committee know, land use planning issues and disputes differ in our diverse communities across the province and the voices from other communities should be heard. Please find attached a letter outlining OHBA's request that the Standing Committee on Social Policy schedule public hearings in Ottawa, in SW Ontario, in central Ontario and in northern Ontario as well as at Queen's Park in Toronto."

I think he points out that he represents the other side of the planning process. His members build on the properties and on the plans that are created in the municipality through the planning process. He would be the best person to talk to about who best to get the information from, as to how we can fix the challenges that are presently in the system.

I spend my time sitting at committees. I don't get an opportunity to actually be involved in the intricacy of the planning process, though, I have been, for quite a few years, on the outside on the political side of it. When it comes to where the challenges are, we all know it takes too long, we all know there's too much red tape, we all know that we would have more construction, if only we could get the planning process fixed. But up until now, nobody seems to have been able to come up with the answer to how we can fix that.

I think that the government's proposal is in this bill, but I think what we need to do with this bill is we need to take it to the people who can now read what it says and tell us whether this will solve the challenges that they want.

The mayor and the councillors of Thunder Bay are hard-pressed to justify the cost of coming down here to make a presentation for five minutes to tell us what impact this will have not only on the OMB and their planning process, but on the issues with how the conservation authority will change. Now, it's easy to say, "They can

send it all in a nice brief." I would agree with that, if I thought for a moment that more than 10% of this committee would read that brief. I can tell you that if that brief came in the day before the amendments are due, there is going to be no impact on the amendments from that brief. To be honest, all the work and effort they went to will be for naught because it will be too late to change the bill. Once the amendments are finished and then it goes into the House, the process doesn't allow any further changes. That, in the past, is what has happened. That's why we're here for the fourth time on OMB reform—because the right reform didn't take place because we didn't talk to the right people to get the right advice to get there.

I think it's very important that we go to the different areas of the province, as Michael from the Ontario Home Builders' Association suggested. He would know, and his members would definitely be people who would help this committee with putting together the type of amendments we need to make this bill work properly.

There's another one here. This was actually sent to you, Mr. Chair, from the Ontario Home Builders' Association, Joe Vaccaro. He's the CEO of the Ontario Home Builders' Association. There are some sections in it that I think are worth reading.

1700

The first paragraph: "Building Better Communities and Conserving Watersheds Act, 2017 represents the fourth time the province has proposed substantive amendments to the scope, powers and function of the OMB since 2003." That's what I was referring to. Full disclosure, Mr. Chair: I did read this letter before. "The currently proposed legislative amendments are however the most far-reaching and significant set of changes to Ontario's land use planning appeals process that have been brought forward in decades. The proposed legislative changes will have considerable implications for the new home building and land development industry as well as our municipal partners and for communities experiencing growth across Ontario from Windsor to Ottawa and Fort Erie to Thunder Bay. It is therefore critical to the legislative and democratic process that members of the public, municipalities and other stakeholders in communities across Ontario have the opportunity to directly address the Standing Committee on Social Policy with respect to this important piece of legislation."

Mr. Chair, I've been trying all afternoon to say it that well. That very much explains it. I think the people who are going to have the greatest impact from this piece of legislation, whether it's—it may even be perfect now. I'm not arguing the merits of the bill. But the people who are going to be most impacted by it are the ones who, at the very least, we should make an effort to hear from. We think this proposal doesn't do that, and that's why we have that amendment.

It goes on: "OHBA strongly recommends that the Standing Committee on Social Policy travel outside of Toronto to directly hear the views of Ontarians beyond



the GTA.” In a lot of cases, governments tend to only have the ability to look to the border of the GTA. When they truly represent all of Ontario, they want—their members in London, their members in Windsor—them to be able to come and speak to the committee, too. “OHBA requests that the Standing Committee on Social Policy schedule public hearings in Ottawa, in SW Ontario, in central Ontario and in northern Ontario as well as at Queen’s Park in Toronto.”

I’m not suggesting that this legislation isn’t a very important piece of legislation for Toronto, but it also has a major impact on municipalities outside of Toronto. I think it’s time that we took hold of it and took it to the people and asked them what they think we could do to make it good legislation. I think that’s very important.

It ends: “OHBA looks forward to submitting our recommendations to improve Bill 139 to the Standing Committee on Social Policy and for the members of the committee to hear a diversity of viewpoints from a range of different communities across Ontario.”

Again, they’re putting forward that they will be putting a presentation forward. But even that presentation—if we are expecting him to be speaking on behalf of all of Ontario’s home builders and the challenges they’re facing, it seems really strange that we think he can put that in a five-minute presentation and that will be a presentation that we can take and make something out of it to make this bill better. It would be quite a coincidence if, in that five minutes—sure, we’ve got the introductions done—he could get substantive information from all across the province to tell us that this is the problem, because, as we heard in other presentations, the problem is different in Thunder Bay than it is in London, than it is in Sioux Lookout. It’s different all over the place. So I think it’s very important that we take it to the people.

I have a couple of quotes that I want to take out of an article that was written by Karen Peterson, vice-president of Environment North. It was first published in the Chronicle-Journal in August 2017. I’ve got some points highlighted. It’s about the Ontario Municipal Board. I could just read the whole thing, but this is talking about the reform to the OMB.

“The approach is being promoted as more efficient in terms of time and money and particularly necessary in the greater Toronto area (GTA) where most appeals stem from developers trying to overturn municipal decisions about high density development. Planning issues are quite different in this region, however, and only 1% of OMB appeals come from northern Ontario. Controversy has recently stemmed from industries such as gravel pits trying to locate next to inland lakes and rivers, in wetlands and populated areas. Opposition to these cases relate to the compatibility of land use and the potential for social and environmental impacts (see Environment North website).”

Again, she points out that there may be a lot more appeals in the Toronto area, but on a percentage basis of what they used to have, there are more and more appeals in northern Ontario over time. To them, those appeals are just as important.

Those appeals, Mr. Chair, right now, are going to the Ontario Municipal Board. A lot of those appeals will not be eligible to go to the tribunal, because the scope has been narrowed. I think we need to hear what that impact will be to those. Are we going to take their right to appeal totally away? I think that would be rather important. It’s good to say that, yes, we’ve sped—is that the right word? Speed? Sped? Anyway, the system is much faster now, but are we taking away the average person’s right to appeal?

Mr. Chair, you’ve been involved in municipal politics too, as has my friend Mr. Hatfield. It has been a while since I was a municipal councillor. When the appeals came, the majority of the appeals were not based on an official plan or a provincial policy statement. Most of them were appeals to the planning process, not the official plan—to the zoning bylaw.

Now, there are no appeals to the zoning bylaw. Who is going to hear that appeal? If you extrapolate it through, the bill seems to indicate that the local authority, the other committee—I had it here a minute ago—the local appeal bodies could hear those appeals. But the challenge, of course, would be that you’d have the same people making the decision as hearing the appeal to the decision.

*Interruption.*

**The Chair (Mr. Peter Tabuns):** No, you can continue.

*Interjections.*

**The Chair (Mr. Peter Tabuns):** Please continue.

**Mr. Ernie Hardeman:** The only appeal to the zoning bylaw would go to the local appeal bodies, the municipal—

*Interjections.*

**The Chair (Mr. Peter Tabuns):** Please continue.

**Mr. Ernie Hardeman:** Thank you. It goes to the local appeal bodies to be dealt with. But one would know that the council appoints the local appeals body—it could even be members of council—and the only appeal body that we have in the province of Ontario is in Toronto.

I think we should hear from the rest of the province, or at least some of the people in the rest of the province, on how they feel about that: having to appoint a body, and having to pay for the body, and not knowing whether they ever need it or whether they don’t. There’s nobody there to adjudicate any of their people’s challenges except them. So what happens if I have an objection to a zoning bylaw in Thunder Bay, and I go to council and I say, “I’d like to appeal that?”

There’s an old story I’ve heard. He went to the local mayor and he said, “How would I appeal that?” He said, “Well, that would be to our appeals body.” “Well, I’d like to write to them and appeal that. When do they hear the appeal?” He said, “On Wednesday.” He said, “What Wednesday?” The mayor said, “Last Wednesday. By next Wednesday, it will be past the time of appeal, so I’m sorry, sir, you can’t appeal.”

It’s a long way to explain it, but the truth of the matter is that an appeals body that is appointed and operates

under the auspices of the same body that made the decision in the first place doesn't give the citizen a right to appeal. So we have a lot of things that they won't have the right to appeal on.

Maybe that's the right way to go; I'm not arguing that. I'm just saying what we need to do is make sure that those people who will be affected have an opportunity to speak to this bill so they can be heard. That's why I think we need to travel a little bit around the province. I'm not suggesting we spend the summer travelling the province to hear from as many people as we can get in two months—

**The Chair (Mr. Peter Tabuns):** Summer is past.

**Mr. Ernie Hardeman:** Well, I was thinking maybe next summer, and we may very well be doing that next summer, but not this summer. We're suggesting that we do that in the consti week that we have available to us.

There's another one in that same article:

"Northern townships are experiencing increased pressure to develop lands in populated areas, yet the local planning boards are not as equipped as the GTA municipalities that have extensive bureaucracies and sufficient funds to hire subject matter experts. The main concern with the OMB transfer is that no matter how stellar the process, when official plans are more general in nature and not aligned specifically with sustainability concepts, planning can be compromised and disputes over the decisions regarding land use will have no choice but to go through the court system for resolution, a more costly process than an OMB hearing."

This article, you will have taken from that, was based on how they are not supportive of eliminating the OMB. Again, that's not the point of this debate. The point of this debate is that I'd like to know what the people who believe the OMB should stay and what the people who believe it shouldn't—I'd like to know what their argument is, and then, as in any judgment call in committee, as in courts, you hear both sides of the story and make a decision as to where the line should be drawn to try to accommodate as best you can all the people who are involved. That's why I'm suggesting that we travel.

The other thing, just to shake it up a little bit, Mr. Chair, is I would also like to move a second amendment to the motion.

**The Chair (Mr. Peter Tabuns):** Let's deal with the amendment before us. When we've dealt with that, then I'm quite happy to hear another amendment.

**Mr. Ernie Hardeman:** Oh, okay.

**The Chair (Mr. Peter Tabuns):** It's useful for you to tell me that you have another amendment coming—but one at a time, Mr. Hardeman.

**Mr. Ernie Hardeman:** Okay. With that, I will leave the amendment. I spoke enough to that one, so I will turn it over to my colleague.

**The Chair (Mr. Peter Tabuns):** Thank you. I have been advised that your motion is actually out of order, because we can't travel without the permission of the House leaders, and we have been granted no such permission.

**Mr. Ernie Hardeman:** I would ask for a 10-minute recess so we can reword the motion. The motion would be in order if we authorized the Chair to ask for permission to travel?

**The Chair (Mr. Peter Tabuns):** I gather you have to withdraw your motion first, Mr. Hardeman.

**Mr. Ernie Hardeman:** Okay, withdraw.

**The Chair (Mr. Peter Tabuns):** Withdraw.

**Mr. Ernie Hardeman:** With that, Mr. Chair, I will withdraw that motion and reword it to bring it back. This would make it the first motion as opposed to an amending motion?

**The Chair (Mr. Peter Tabuns):** No. Right now, we're dealing with amendments to the motion that's on the floor.

**Mr. Ernie Hardeman:** Yes, but this motion has been withdrawn. I can now make an amendment to the motion.

**The Chair (Mr. Peter Tabuns):** Your motion is withdrawn. You can now make an amendment to the main motion that's before us.

**Mr. Ernie Hardeman:** Thank you very much, Mr. Chair. I move that the committee ask the Minister of Municipal Affairs to appear before the committee for a 10-minute presentation, followed by 45 minutes of questions, split evenly between the three parties, on either October 16 or 17.

**The Chair (Mr. Peter Tabuns):** Thank you. With that, I ask for a five-minute recess so we can copy and circulate to the members.

**Mr. Ernie Hardeman:** Thank you very much.

**The Chair (Mr. Peter Tabuns):** Thank you.

*The committee recessed from 1714 to 1720.*

**The Chair (Mr. Peter Tabuns):** The committee is back in session. Mr. Hardeman, you've made your motion. Do you wish to speak to that motion?

**Mr. Ernie Hardeman:** I think it's very important, and I've made this same debate before, that when you have legislation as involved as this is, that we look at it to say, "Okay, but what's the intent of what we're trying to accomplish and is this what it's doing?" as we go forward. The best person to do that is the minister. That's why, differently from normally when you hear delegations, it's not so much what the minister presents—but for the minister to be able to help us with understanding what some particular part in the bill does.

When I first came to Queen's Park, with almost every bill that came before a committee, the first part of it was a minister explaining what the bill was. I've noticed for quite a period of time now, something like 13, 14 years, we haven't seen any of that. The deputy ministers come in for public accounts, but the ministers generally don't come to these types of meetings. I think particularly on bills like this one, again, using what I said before, when you look at it and say, "This is the fourth time we're trying to address the operations of the Ontario Municipal Board"—something that's been around for 100 years, and yet here in the last 12 or 14 years we're doing the fourth rewrite of trying to fix how it works.

I think it would be very appropriate to ask the minister, as he addresses this piece of legislation, what part



of it isn't working and how this bill is going to address that. I think of the questions we could ask that you can't ask a deputation because they don't know—because the deputations are all the developers speaking on behalf of the developers as to why they want it to be faster; the municipality says, "Well, if you change it this way we can make the decision and it won't be overturned"; and the poor citizen says, "Are you taking away my appeal ability?"

I think all those may be true and all those may be necessary, but I think the minister should tell us why it's all necessary and how he believes that this will help, and if the committee is convinced, then the committee will agree to do it, and if they're not, they can make amendments where they think it's going to come up short.

Now, the other thing that I think is interesting—I just want to, for the committee's purposes, read a little into the record. The Financial Accountability Officer is quoted as saying his office is "underused." He also says, "I am looking for ways in which we can contribute more to [provincial] Parliament. From my past jobs, I know that committees can be an effective way. But I know that the committees here sometimes don't have the kind of dialogue that can bring up the big issues.... What we often see is different people bringing forward their views on a subject rather than having ministers and public servants explaining the rationales for what they've done."

That's the Financial Accountability Officer telling us that we are underutilizing our committees. The committee is not digging into the legislation. The committee is not performing a useful task, because they don't even get to ask the authors of the new legislation what it is they're trying to accomplish and how they believe we're going to accomplish that. And so I think that this a great place to get back to that, what used to happen, where you invite the minister to come in. It's not an inquisition. I'm sure the minister is proud of this piece of legislation. He wants the world to know that he's doing a great job bringing this forward. The majority of people, if not all the people—I think at the end of it, the government side wants as many people as possible to think that this is a great piece of legislation.

*Interjection.*

**Mr. Ernie Hardeman:** I think that's what you wanted to know. Now, I would like the minister to come and explain it. Maybe I will agree with it, but I don't know, because I have a lot of questions that no one is answering. That's why I believe that it's important that the minister comes here and allows us to ask questions about some of these things. I've mentioned some of them already in my presentation this afternoon, as to what happens when this here—on the appeals body. What do you see happening when somebody appeals a minor variance to the appeals body that was appointed by council and has three members of council as the majority of the committee?

I'd like the minister to say, "No, no. By regulation, we're going to fix that, so that can't happen. The com-

mittee must have all lay people on it." I'm just supposing that, but we don't know any of that.

That's why I think the accountability officer talks about how we've got to utilize the committees more. We need to put things in place so that what we do here becomes important and we make better legislation out of it. That's not by coming in here with no subcommittee report and saying, "Well, we don't really need a subcommittee report, because that's all a waste of time. This is what we want to get done. We know we're going to do it, so why should we go through Hardeman sitting here talking for two hours, when all we have to do is put it in front of the committee and we vote on it"—as was suggested. "Let's vote now, and we'll have it all done with no further input."

I think that's totally wrong, and I think the accountability officer thinks it's totally wrong. That's why I think we should be taking that first small step in this amendment to ask, as part of the process, that we take that time to hear from the minister, so he can explain the intent of the bill. Mind you, this one has to do a thorough job. As was mentioned earlier, it's more than one minister, because it's such a large piece of legislation, with two completely different bills. The natural resources minister has part of it, and the Minister of Municipal Affairs has the other.

They say every trip starts with the first step. I'm just proposing here that we take that first step and ask the Minister of Municipal Affairs. That is the most major part—

**Ms. Daiene Vernile:** Point of order, Chair.

**The Chair (Mr. Peter Tabuns):** Excuse me, Mr. Hardeman. I have a point of order.

Ms. Vernile?

**Ms. Daiene Vernile:** Mr. Hardeman has said repeatedly that he wants the minister to come before us. He keeps saying it over and over again. So I'm going to suggest we move beyond that and actually vote on his motion, if we may.

**The Chair (Mr. Peter Tabuns):** I'm not prepared to go to closure at this point, but I'll point out to you, Mr. Hardeman, that Ms. Vernile is correct: You have been repeating yourself. You need to either present new material or wrap up.

**Mr. Ernie Hardeman:** Thank you very much, Mr. Chairman. The intent is not to be repetitive. The intent is to point out, for different reasons—I hope I can attach different reasons to each time I say why that should happen. I can avoid saying the words, if you wish.

These are quotes from the report, again, from the accountability officer, who believes that things should be different than what they are today. That's what we're trying to accomplish.

"The assembly studies the government's fiscal plan and associated money bills when they are before the assembly, and scrutinizes the government's efforts to implement them over the course of the fiscal year....

"The assembly could also do so by calling ministers and public servants to testify before committees on their

ministries and the programs they operate. The Standing Committees on Justice Policy, Social Policy and General Government are empowered to study 'all matters related to the mandate, management, organization or operation of the ministries ... assigned to them'."

That's what the accountability officer says. That's the same as our standing orders. Those are his standing orders.

I can't say why I read that into the record, but I just want to say that it points out that we should do everything we can to bring people in who can explain to us what the legislation means, and why it's so important that they are here to answer questions.

Is that good enough? Am I still on the right topic here? Thank you.

There's another thing that I think has been brought up before: that this would be out of the ordinary. I have here—some people might suggest this is repetitious and I maybe shouldn't read them all. It does go on at great length about times when this has happened, when people did do it, and when this decision was considered appropriate.

Bill 4, Ontario Energy Board Amendment Act (Electricity Pricing), 2003: That was with this government. Dwight Duncan, Minister of Energy, appeared before the committee on December 9, 2003.

1730

The subcommittee report read: "That the minister be invited to make a 15-minute presentation followed by 45 minutes of questions and answers (to be divided equally among the three parties)." The subcommittee report was moved by Kathleen Wynne. Again, at that time, the Premier of today believed that this was the right approach to take to have the minister come forward.

The next one was Bill 8, Commitment to the Future of Medicare Act, 2004. George Smitherman, Minister of Health and Long-Term Care, appeared before the committee on February 16, 2004. During the committee, he said, "It's a privilege for me to be here to address this committee on the first day of public hearings on Bill 8, the Commitment to the Future of Medicare Act. This is a piece of legislation which is very important to the government and to me, and I want to make sure that we get it right." I would like to think that the minister, the person responsible for this piece of legislation, thinks this is as important as Mr. Smitherman thought that his act was.

The subcommittee report read: "That on February 16, 2004, the minister be invited to make a 30-minute presentation, followed by 90 minutes of questions and answers to the minister or his parliamentary assistant and ministry staff. The time per party is Liberals, 35 minutes; Conservatives, 35 minutes; NDP, 20 minutes." The subcommittee report was moved by—you guessed it—now-Premier Wynne. Obviously, at that time, she thought it was very important that we go as deep as we could to deal with important legislation to get it right.

Bill 43, An Act to protect existing and future sources of drinking water and to make complementary and other amendments to other Acts: It was Laurel Broten, Minister

of the Environment, who appeared before the social policy committee on August 21, 2006. The subcommittee report read: "That the Minister of the Environment be invited to appear before the committee at 9 a.m. on Monday, August 21, 2006, to make a presentation of up to 15 minutes and field questions from each caucus for up to five minutes each." Note—and we're here again—that the signed subcommittee report was moved by the Premier of today, Kathleen Wynne.

Bill 206, Ontario Municipal Employees Retirement System Act, 2005: John Gerretsen, Minister of Municipal Affairs and Housing, appeared before the general government committee on November 14, 2005. The subcommittee report read: "That the Minister of Municipal Affairs and Housing be invited to make a 15-minute presentation before the committee on November 14, 2005, followed by a five-minute question/comment period from each of the three parties, followed by a 15-minute technical briefing by ministry staff, followed by a further five-minute question/comment period from each of the three parties." You will be happy to hear, Mr. Chair, that I don't know who signed the subcommittee report—but, again, that was the Minister of Municipal Affairs, which would be the same as the person in charge here for this bill. I would think, obviously, that minister thought it was important to come here and explain what the legislation was, so I think that that should be the same here.

There's another one here: It's Bill 27, Greenbelt Protection Act, 2004. Again, it was Minister John Gerretsen, Minister of Municipal Affairs and Housing, who appeared before the general government committee on May 12, 2004. The subcommittee report read: "That the committee invite the Minister of Municipal Affairs and Housing to make a 15-minute presentation before the committee on May 12, 2004, and that ministry staff provide the committee with a 30-minute technical briefing, followed by a 30-minute question and answer period from members of the committee."

Now the next one—

**Ms. Daiene Vernile:** Point of order, Chair.

**The Chair (Mr. Peter Tabuns):** Excuse me for one second, Mr. Hardeman.

Ms. Vernile, you have a point of order?

**Ms. Daiene Vernile:** Yes, I do. I appreciate what Mr. Hardeman is doing, but he's reading information that's already part of the public record, and we're not certain what usefulness there is to it.

**The Chair (Mr. Peter Tabuns):** I'm not sure that that's a point of order, actually. I think you could make that argument. I'll put you down on the speakers' list, but I don't see any violation of rules in this committee at this point.

**Ms. Daiene Vernile:** Perhaps Mr. Hardeman could state or make an argument as to why stating information that's already on the public record is useful to this committee.

**The Chair (Mr. Peter Tabuns):** Ms. Vernile, I appreciate your comment, but it's not a point of order. I will put you on the speakers' list.

Mr. Hardeman.



**Mr. Ernie Hardeman:** I would tell the member opposite that I would be more than happy not to be having to do this. If the government side would just take a realistic look at the parliamentary privilege that we all share—we all have some importance to be here. Just because you're on the majority side doesn't give you the ability and the power to do things differently than the rest of us, except for the vote.

A subcommittee doesn't do that. A subcommittee says, "Everybody has the same, because there's one from each party." That's the point I'm trying to make—that we're not being treated fairly, and they're taking away from my parliamentary privilege for having the same input as the system gives every member. If that takes some research, and finding some examples of where that has happened in the past—in my opinion, I look over there and I see I haven't convinced them all yet, so I have a few more instances I would like to put forward to prove that this is not unique.

In my opinion, Mr. Chair, I'm not out of order. I'm not even being inappropriate. This is the way it has been for years. It's just that this government wants to change the rules—I don't know why—because they want to get this through quicker. I think that making a good bill is far more important than getting it done quickly. Obviously, the government has proven four times—this is the fourth time—that doing it quickly doesn't work. Let's work at it and do it right, so we don't have to do this one again in the near future.

The next one is Bill 106, Fair Municipal Finance Act, 1997: Ernie Eves, Minister of Finance, appeared before the finance and economics committee on April 7, 1997.

Bill 146, Farming and Food Production Protection Act, 1997: Noble Villeneuve, Minister of Agriculture, Food and Rural Affairs and minister responsible for francophone affairs, appeared before the resources development committee on February 17, 1998. During the committee, he said, "Welcome all. This will be oriented towards any changes to Bill 146 that the committee sees fit. I want to thank the committee members for conducting these hearings and I want to thank all those who will be making presentations. I think this is a very important piece of legislation and its time has come in a modern world, the agricultural world we live in here in Ontario."

Again, that points out how important the process is. These people didn't feel like they had to be forced to come here. They were all happy to come here to explain their legislation to the committee, expecting that committee work to have some impact on the end result of the bill. All these ministers—and they were not sided to one government or on one side—all these people were looking for more information to help make the bill better.

All I've been trying to do is to try and get the information put forward before the committee, so we can make educated judgment calls on amendments that we think it may need.

Bill 78, An Act to amend the Education Act, the Ontario College of Teachers Act, 1996 and certain other statutes relating to education: Sandra Pupatello, Minister

of Education, appeared before the social policy committee on May 8, 2006. In her remarks, she said, "I'm pleased to be here today to speak about some very important legislation for the direction of education in Ontario."

The subcommittee report read: "That the Minister of Education be offered up to 10 minutes for a presentation, followed by 10 minutes of questions and comments by each caucus." Again, this subcommittee report was also moved by Kathleen Wynne.

Bill 43, Clean Water Act, 2006: Laurel Broten, Minister of the Environment, appeared before the committee on August 21. During the committee, she said, "I very much welcome the opportunity to speak to you today about the proposed Clean Water Act."

The subcommittee report read: "That the Minister of the Environment be invited to appear before the committee at 9 a.m. on Monday, August 21, 2006, to make a presentation of up to 15 minutes and field questions from each caucus for up to five minutes...."

**The Chair (Mr. Peter Tabuns):** Mr. Hardeman, you already have reviewed that one.

**Mr. Ernie Hardeman:** No.

**The Chair (Mr. Peter Tabuns):** Yes, because I was there on August 21 for that presentation, so I noted it when you were speaking earlier.

**Mr. Ernie Hardeman:** I'm sorry if it's in there twice, Mr. Chair. Let me take a second here to find it.

*Interjections.*

**Mr. Ernie Hardeman:** I'll find it later, and I'll mark that one, that it may have been in the paper twice.

I would just point out that the next one is Bill 21, the Energy Conservation Responsibility Act. That one hasn't been there before, has it, Chair?

**The Chair (Mr. Peter Tabuns):** I don't believe so.

1740

**Mr. Ernie Hardeman:** Well, thank you.

**The Chair (Mr. Peter Tabuns):** But, Mr. Hardeman, you have run out of time. You have gone for 20 minutes. I have Lou Rinaldi, Mr. Hatfield and Ms. Vernile to speak.

Mr. Rinaldi?

**Mr. Lou Rinaldi:** Thank you, Chair. Just to comment on the amendment to the motion that we have before us—

**Mr. Percy Hatfield:** Point of order, Chair.

**The Chair (Mr. Peter Tabuns):** Excuse me a second, Mr. Rinaldi.

**Mr. Percy Hatfield:** Just for my edification and for clarification—I know the government side has five members, and they have six. I thought Mr. Rinaldi was here to listen, but not to speak or vote.

**The Chair (Mr. Peter Tabuns):** He can speak, but he can't move a motion and he can't vote.

**Mr. Percy Hatfield:** Oh, okay, thanks. I just wanted to clarify.

**The Chair (Mr. Peter Tabuns):** Sorry, Mr. Rinaldi. Please proceed.

**Mr. Lou Rinaldi:** Not a problem. It's good to clarify.

Just a comment on that amendment to the motion: Earlier on this afternoon we were talking about not having enough time to meet all the deputants that might want to speak to this, regardless of where. The amendment to the motion suggests that we take almost an hour for the minister, between his presentation and 45 minutes for questions from committee members. I think that's valuable time for deputants we might want to listen to. I would suggest that for all of us, we have ample opportunity during question period in the House to ask those important questions.

Secondly, I think all members in this chamber have an opportunity to have those side chats, whether it's in the hallway or an arranged meeting. I know that there have been briefings from the ministry, I know that during clause-by-clause ministry staff are available to answer any questions we might have, or any concerns.

I do respect Mr. Hardeman. He has been here for quite a length of time. We have known each other for longer than I have been here, for sure. But he says that it has happened in the past, and we're changing the rules. I mean, he was part of a government that, frankly, passed an omnibus bill with no consultation at all, which impacted municipalities. He knows that. I'm not arguing. I respect that when they were in power they did what they did, because for them it was the right thing to do. I might not agree with it, but that's the reality of this game. To make an accusation that this is unprecedented, uncommon—well, it happened under their government. I respect that because they were in power and they made those decisions.

I would suggest, Chair, that this 55 minutes that you're suggesting from the minister and question period would be better allocated to listen to deputants.

**The Chair (Mr. Peter Tabuns):** Thank you, Mr. Rinaldi.

Mr. Hatfield?

**Mr. Percy Hatfield:** I won't belabour this in any way. I appreciated the briefing I had from ministerial staff on this bill. I think we had 15 staff members come out and spend the time with us on the bill.

In a perfect world—well, I guess in a perfect world we would have an NDP government. But in a perfect world, the way I would see the process for the best legislation possible would be that the opposition critics would be given a briefing by ministerial staff. That is the way the process would be kicked off. Then, the minister would come to the committee. This is after the debate in the House. You get the briefing, you do your thing in the House, you get to your second reading stage.

Then, my perfect-world scenario would be that the minister comes to committee—and if you want to set a timeline of an hour, then fine. That allows the opposition members to say to the minister, "Minister, why is this clause in there? Have you considered this option?" When you have that kind of a discussion with the minister, I would argue that it would do away with a lot of amendments later on and would streamline the process.

So you have your time—not in question period, where Mr. Rinaldi well knows it's not answer period. You can

ask whatever you want, but you're not going to get the answers you want. But at committee, you would expect the minister would be forthright and answer the question posed. If the minister came and was available for that type of process and then we heard the delegations, some of the questions to the delegations would either be unnecessary or could be somewhat embellished—knowing why the thing is in there from the minister himself or herself. Then, after hearing from the delegations, we would have ample time to write our amendments, have ample time to read the written submissions, and not be rushed, rushed, rushed, and then we'd have the clause-by-clause debate. At the end of that process, I think we would fashion really good legislation. It wouldn't be something that was ramrodded down and time-pressured and so on. We'd have all the answers we're looking for, mostly, and we'd fashion better legislation.

That's why I can support the amendment—because I would like to have that opportunity to talk to the minister.

I don't put this out, my perfect-world scenario, as an attempt to slow this process down. I just think, no matter who's in government, no matter if it's a minority or a majority, you would fashion better legislation if you had that opportunity to speak directly to the minister. He might have his deputies with him. He might have people there to answer if he or she couldn't do it. I think it would just make for better legislation.

**The Chair (Mr. Peter Tabuns):** We go to Ms. Vernile.

**Ms. Daiene Vernile:** I just want to respectfully offer some comments to Mr. Hardeman on his suggestion that he'd like to see the minister come before this committee.

All members of this committee, as do all MPPs here at Queen's Park, have the opportunity to ask the minister questions every day during question period. Mr. Hardeman, you have not raised a single question related to Bill 139 in the days and weeks that we have been debating this particular bill. Again, we all have the opportunity to ask questions during question period—I invite you to do that—and for that reason, we will not be voting in favour of this motion.

I suggest that we vote on it now, Chair.

**The Chair (Mr. Peter Tabuns):** Thank you, Ms. Vernile. I—

*Interjection.*

**The Chair (Mr. Peter Tabuns):** I'll go to you next, Mr. Hardeman.

Ms. Vernile, as you're probably well aware, it is very difficult for the Chair to close down debate. I have sat on this committee—I've been in situations where I've filibustered. I've been in committees where I've chaired and dealt with filibusters.

When we were on the estimates committee at the beginning of the hearings into the gas plants, with Mr. Prue chairing, we quite literally had Liberals filibustering for days before the Chair made a ruling that it was repetitive. And that was accepted by all parties.

So I am listening to Mr. Hardeman—but I am very reluctant to shut down debate until some greater length of



time has passed, given the precedent in these rooms on these matters in the past.

**Ms. Daiene Vernile:** Thank you, Chair. And respectfully, it is my privilege as a member to ask for that.

**The Chair (Mr. Peter Tabuns):** Absolutely; without a doubt.

**Mr. Percy Hatfield:** Point of order, Chair.

**The Chair (Mr. Peter Tabuns):** Point of order, Mr. Hatfield.

**Mr. Percy Hatfield:** Could you remind me of the Robert's rule of order that talks about speaking to a motion then attempting to call the question?

**The Chair (Mr. Peter Tabuns):** That's a good point. We will be continuing the debate—

**Mr. Percy Hatfield:** I get that, but what I'm saying is, what Ms. Vernile tried to do is completely contrary to Robert's Rules of Order. You can't speak to a motion and call the question. It might be her privilege to attempt it, but it isn't her privilege as a member to violate Robert's Rules of Order.

**The Chair (Mr. Peter Tabuns):** Thank you, Mr. Hatfield. I appreciate the point made.

I go back to Mr. Hardeman.

1750

**Mr. Ernie Hardeman:** Thank you very much, Mr. Chair. I appreciate the opportunity. I know it's difficult at times like this to make a decision that keeps the debate going when it looks almost pointless because the other side just isn't listening. The other side seems to be focused on, "What can we do to stop this from happening?" not, "Are any points being made?"

I would just point out in the last comments the one that Mr. Hatfield referred to that may not have been in order. To suggest that a member, on the problems they have with this bill, should catch up with the minister sometime in the hallway or get in question period—when was the last time we had an actual answer to a question in question period? I've been around a while to know that the answers in question period are designed to do the least damage to the person giving them and try to stay as far away from the facts as possible without being called—in fact, they're never even called on it.

I do want to point out that the member says she's never heard me speak about that in the Legislature. If she had been there last week for an hour, I asked all those questions that I've spoken to here today in my presentation. I used a lot of these same quotes and said, "Minister, give us the answers." But so far, the only answer coming back is, "It will go to committee and that's where we'll have that discussion."

How many times have we heard a minister of the crown saying, "All those things will be dealt with in committee"? We hear them say it from time to time when the media asks a minister or even the Premier about a problem. She'll come out and say, "We understand there's a problem and we're going to be fixing that." Well, where they're going to fix a piece of legislation is here. That's why this is happening today. He should be here to fix those challenges—if they need fixing. If he

comes here and says, "No, that's the way we intended it to be because that will accomplish what we want to accomplish," enough said. But at least he should say that.

If you have a question—this is why this committee is here. If it's not to ask questions and not to have discussions, why are we here? Well, maybe it's because we haven't been here quite as long, but I can tell you that I've been to a lot of committee hearings and I always came out with the idea that we had a purpose being there—not just to see how quickly we can shut down debate so we can get on with implementing what the government wants, even though the opposition still has questions. I just can't believe why we would have that.

Now, having said that, I also wanted to touch a little bit on what was mentioned from the other side, that we somehow shouldn't get the minister because it would take too much time away from the time they have allotted. I think he's totally right on that, incidentally. I would suggest maybe he would want to make a motion to extend the hearings by a day so we would have time to do both. If this needs doing, we should get on with doing it instead of having to spend—incidentally, we have spent twice as much time today as would have been required if the minister had been here to answer questions for us. And if we had had a subcommittee report, that could have all been arranged today. The first meeting next week could have been about having the minister make his presentation and getting on with getting this bill passed. But that's not to be. Here we are and it's going not too far.

Having said that, I do believe, Mr. Chair, that we have a resolution to deal with the amendment that was ruled out of order.

**The Chair (Mr. Peter Tabuns):** Yes, but again, Mr. Hardeman, we're still dealing with your motion for the minister to appear. We have to dispose of that before we go on to any other motions.

I have Mr. Hatfield.

**Mr. Percy Hatfield:** Chair, I believe, if I could have—I don't know if it's a point of personal privilege or a chance to correct my record. I misspoke to Ms. Vernile. I've been reminded that Robert's Rules of Order do not apply in this committee situation, and I apologize for suggesting that she was violating Robert's Rules of Order.

**The Chair (Mr. Peter Tabuns):** Thank you, Mr. Hatfield.

We'll return to Mr. Hardeman.

Mr. Hardeman, you have a motion before us. You're discussing that motion, so that has to be disposed of before we go to any other motions. I know you're eager, Mr. Hardeman, but one at a time.

**Mr. Ernie Hardeman:** I have no further comment on the motion that's before us.

**The Chair (Mr. Peter Tabuns):** No further comment. Any other comments? We have the vote on the motion for the minister to appear. You're ready to vote? All those in favour? All those opposed? It fails.

**Mr. Ernie Hardeman:** I move that the Chair of the committee write to the three House leaders requesting

permission for the committee to travel to Ottawa, Windsor and the north for public hearings on Bill 139 during the week of October 10, 2017.

**The Chair (Mr. Peter Tabuns):** Thank you, Mr. Hardeman.

Now, it's five minutes to 6. Typically, we would ask for a five-minute recess for that motion to be copied and circulated. My suggestion is that that be held over to our next session.

**Mr. Ernie Hardeman:** Mr. Chair, the resolution will be on the record? It is tabled?

**The Chair (Mr. Peter Tabuns):** Yes, it has been tabled but it needs to be copied and circulated before it can be debated.

Members, given the time, we stand adjourned until 2 p.m. on Monday, October 16, when we will resume consideration of the method of proceeding on Bill 139.

*The committee adjourned at 1756.*





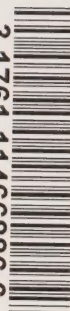








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